

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

West Price River Dr.
Price, Utah 84501
(801)637-2817

Reply to: 2820

Date: August 6, 1993

MANTI-LA SAL
NATIONAL FOREST DISTRICT

AUG 06 1993

Mr. Robert D. Williams
U.S. Fish and Wildlife Service
2060 Administration Building
1745 West 1700 South
Salt Lake City, Utah 84104-5110

Dear Mr. Williams:

The Bureau of Land Management and Manti-La Sal National Forest are in the process of conducting an environmental analysis for Federal Coal Lease Application UTU-68082 (Crandall Canyon Tract) filed by Genwal Coal Company. Genwal Coal Company applied for the tract to extend the life of their existing Crandall Canyon Mine. The tract under consideration consists of 3,384 acres of National Forest System lands within the Manti-La Sal National Forest. The lease tract and location are described in the enclosed Biological Evaluation prepared by the Forest Service wildlife biologists. The mining scenario presented by Genwal Coal Company and confirmed by BLM calls for the tract to be accessed through existing underground workings. Mining would be conducted by underground methods only. No surface facilities would be necessary within the proposed tract.

Since the tract lies on National Forest System lands, the Manti-La Sal National Forest, the Forest Service and Bureau of Land Management are jointly preparing the environmental analysis. The Office of Surface Mining Reclamation and Enforcement is participating as a cooperating agency.

Unsuitability assessment procedures (Federal Regulations 43 CFR 3461.2) and Section 7 of the Endangered Species act require consultation with the U.S. Fish and Wildlife Service. Enclosed is a Biological Evaluation (BE) prepared by the Forest Service. The BE is provided in regard to consultation under Section 7 of the Endangered Species Act. The following narratives describe the Forest Service and BLM determination in regard to application of Unsuitability Criteria 9-15 (Federal Regulations 43 CFR 3461.5). Because the coal would be mined by underground mining methods, the underground mining exemption (43 CFR 3461.1(a)) would apply. This exemption states: "Federal lands with coal deposits that would be mined by underground mining methods shall not be assessed as unsuitable where there would be no surface coal mining operations, as defined in 3400.0-5 of this title, on a lease if issued." However, because of the potential for mining induced subsidence, we have applied the criteria.

Criterion No. 9. There is no Federally designated or proposed critical habitat for listed or proposed threatened or endangered plant and animal species within the lease area. Mining operations would not adversely affect threatened or endangered species of plants or animals or species proposed for listing.

Criterion No. 10. There is no State designated critical or essential habitat for threatened or endangered plant and animal species found within the lease area. Underground mining would not adversely affect such species.

Criterion No. 11. There are no bald or golden eagle nest sites within the lease tract but golden eagle nests have been identified within a 1/2 mile buffer zone of the tract boundaries. However, exception (2)(i) applies. The underground mining of coal would not adversely affect the golden eagles or their nests.

Criterion No. 12. There are no bald or golden eagle roosts and concentration areas within the tract used during migration and wintering.

Criterion No. 13. There are no known falcon cliff nesting sites within the tract area or within 1/2 mile of the tract.

Criterion No. 14. There are migratory bird species of high Federal interest found within the tract area. However, exception (2) applies. The underground mining of coal will not adversely affect the migratory bird habitat during periods when such habitat is used.

Criterion No. 15. There are lands within the tract which are fish and wildlife habitat for resident species of high interest to the State. However, the stipulated methods of coal mining will not have a significant long-term impact to the species being protected.

As required under 43 CFR 3461.2-2, we are requesting a written Biological Opinion and concurrence/advise in regard to the determinations made in the BE and application of Criteria 9 and 11-14 described in this letter within 30 days of receipt. The State of Utah will be consulted in regard to application of Criteria 10 and 15.

We plan to release an Environmental Assessment and identify the Forest Service preferred alternative by September 1, 1993. A 30-day review and comment period will be provided. Your comments will be made part of the record and will be considered in formulation of the final decision.

If you have any questions concerning the proposal, please contact Rod Player or Carter Reed at the Forest Supervisor's Office in Price, Utah.

Sincerely,

/s/ Aaron L. Howe

for
GEORGE A. MORRIS
Forest Supervisor

Enclosure

cc:
R.Player
S.Romero
C.Reed
D-3

Reply to: 2820/2670

Date: August 6, 1993

Subject: BA/E For Genwal Coal Company, Crandall Canyon Tract Coal Lease

To: Forest Supervisor

Enclosed is an approved copy of the Biological Assessment/Evaluation for the Genwal Coal Company, Crandall Canyon Tract Coal Lease Application.

If you have any questions regarding this please contact Steve Romero or myself.

/s/Walter Nowak
For
CHARLES J. JANKIEWICZ
Price District Ranger

Enclosure

J.Beacco:jb

BIOLOGICAL ASSESSMENT/EVALUATION FOR THE GENWAL COAL COMPANY
CRANDALL CANYON TRACT COAL LEASE APPLICATION

PRICE RANGER DISTRICT
MANTI-LA SAL NATIONAL FOREST

Prepared by: Steve F. Romero
Steve Romero
Wildlife Biologist

8/6/93
Date

Approved by:

Rodney L. Player
Rodney L. Player
Forest Wildlife Biologist
Manti-La Sal National Forest

8/6/93
Date

Approved by:

Leland Matheson
Leland Matheson
Range Conservationist
Manti-La Sal National Forest

8/5/93
Date

**BIOLOGICAL EVALUATION FOR THE GENWAL COAL COMPANY/CRANDALL CANYON TRACT
COAL LEASE APPLICATION UTU-68082, LBA NO. 9**

I. INTRODUCTION

This biological evaluation is prepared in response to the proposed Crandall Canyon Coal Lease Tract, UTU-68082. The area for lease is located about .5 air miles west of Highway 31 and 25 air miles southwest of Price, Utah. It is located in Emery County and may include T15S, R6E, Sections 25, 26, 27, 34, and 35; T15S, R7E, Sections 30 & 31; T16S, R6E, Sections 1 & 3; T16S, R7E Section 6 (see attached map). For more information on the Lease by Application proposal see the Environmental Assessment.

The Endangered Species Act of 1973 (PL 93-205, as amended) requires federal agencies to insure that any activities they authorize, fund, or carry out, do not jeopardize the continued existence of any wildlife species federally listed as Threatened or Endangered (Section 7). This biological evaluation is an analysis of which Threatened or Endangered species may occur in the project area and whether any impacts on those species are anticipated. Although not required under the Endangered Species Act, it is Forest Service policy to analyze potential impacts to Proposed and Sensitive species as well (Forest Service Manual (FSM) 2670.31-32). Proposed Species are those that are proposed by the U.S. Fish and Wildlife Service to be listed as threatened or endangered. Sensitive Species are those identified by the Forest Service Regional Forester as "those...for which population viability is a concern, as evidenced by...significant current or predicted downward trends in population numbers or density..." or "significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution." (FSM 2670.5).

This biological evaluation is prepared using direction from the Forest Service Manual 2672.4. Discussions with wildlife biologists from the US Fish and Wildlife Service, Utah Division of Wildlife Resources, Brigham Young University, and staff with the USDA Forest Service also provided information for this evaluation.

II. PROPOSED ACTION

Genwal Coal Company filed an application with the Bureau of Land Management, Utah State Office to lease the Crandall Canyon Tract. The application was filed on March 4, 1991. The proposed lease area encompasses 3,384.03 acres of Federal coal lands (see map) and ranges in elevation from approximately 8,800 to 10,700 ft. No new surface facilities are expected to be constructed in relation to mining this lease unless a company other than Genwal were to acquire the tract and open another mine in Crandall Canyon. The surface of the subject lands are entirely managed by the Manti-LaSal National Forest.

III. SPECIES KNOWN or POTENTIALLY IN THE AREA

Known or Suspected Threatened, Endangered, Proposed, and Sensitive Species in the Area of Influence of this Action:

<u>SPECIES</u>	<u>CLASSIFICATION</u>
1. Bald eagle (<u>Haliaeetus leucocephalus</u>)	Endangered
2. Northern goshawk (<u>Accipiter gentilis</u>)	Proposed
3. Flammulated owl (<u>Otus flammeolus</u>)	Sensitive
4. Three-toed woodpecker (<u>Picoides tridactylus</u>)	Sensitive
5. Townsend's big-eared bat (<u>Plecotus townsendii</u>)	Sensitive
6. Carrington daisy (<u>Erigeron carringtonae</u>)	Sensitive
7. Helenium hymenoxys (<u>Hymenoxys helenioides</u>)	Sensitive

Notes:

The above species list was derived from a U.S. Fish and Wildlife Service (USFWS) list of Threatened, Endangered, and Proposed species that may be present in the general Wasatch Plateau area, and from the Forest Service (FS) Sensitive Species list for the Intermountain Region. Those species on the USFWS and FS lists that are not included with the species above were determined to be unlikely residents of the proposed project area due to different habitat requirements.

IV. SPECIES OCCURRENCES AND HABITAT NEEDS

BALD EAGLE (Haliaeetus leucocephalus):

Habitat - During the breeding season bald eagles are closely associated with water, along coasts, lakeshores, or river banks. During the winter bald eagles tend to concentrate wherever food is available. This usually means open water where fish and waterfowl can be caught. They also winter on more upland areas feeding on small mammals and deer carrion. At winter areas, bald eagles commonly roost in large groups. These communal roosts are located in forested stands that provide protection from harsh weather [Stalmaster 1987].

Bald eagles can often be found near the lakes and reservoirs on the Manti Division during the late fall and early winter. When these water bodies freeze over the eagles leave.

NORTHERN GOSHAWK (Accipiter gentilis):

Habitat - In nesting or foraging, the goshawk is a raptor of the dense forest. Goshawks have been found in a variety of forest ecosystems including lodgepole pine, ponderosa pine, Douglas fir, and mixed forests throughout much of the Northern hemisphere. They prey upon small mammals and birds (rabbits, squirrels, chipmunks, grouse, woodpeckers, jays, robins, grosbeaks, and etc.). Goshawk nest sites are usually located in mature forests, near water, and on benches of relatively little slope. Nests are often used year after year. Goshawks are very protective of their young in the nest and loudly defend them to intruders. They are very sensitive to human disturbance and have abandoned

nests and young due to human activities that take place too close to their nest [Kennedy and Stahlecker 1989; and Hennessey 1978].

Goshawks have been found nesting on all Ranger Districts. These nests are associated with Aspen, mixed conifer, Douglas Fir, and Ponderosa Pine.

FLAMMULATED OWLS (Otus flammeolus):

Habitat - Flammulated owls are found throughout the western United States including Utah. They can be found in the mixed pine forests, from pine mixed with oak and pinyon at lower elevations to pine mixed with spruce and fir at higher elevations. They have also been found in aspen and second growth ponderosa pine. However, they prefer mature Ponderosa Pine-Douglas fir forests with open canopies. Large diameter dead trees with cavities are important nest site characteristics. They avoid foraging in young dense stands where hunting is difficult. Flammulated owls are dependent upon mature conifer stands for nesting. They are also known to avoid cut-over areas. Flammulated owls are almost exclusively insectivorous, preying on small to medium sized moths, beetles, caterpillars, and crickets [Reynolds and Linkhart 1987; Jognsgard 1988; and Bull et al 1990].

Many Flammulated owls have been located on the Monticello and Moab Ranger Districts as part of the Mexican Spotted Owl inventories. They have also been found in the Quitcupah drainage of the Ferron Ranger District. All of these locations have been associated with Ponderosa Pine.

NORTHERN THREE-TOED WOODPECKER (Picoides tridactylus):

Habitat - Three-toed woodpeckers range across North America. They are found in northern coniferous and mixed forest types up to 9,000 feet elevation. Forests containing spruce, grand fir, ponderosa pine, tamarack, and lodgepole pine are used. Nests may be found in spruce, tamarack, pine, cedar, and aspen trees. Three-toed woodpeckers forage mainly in dead trees, although they will feed in live trees. About 75% of their diet is woodboring insect larvae, mostly beetles, but they also eat moth larva. They are major predators of the spruce bark beetle, especially during epidemics. They forage on a wide variety of tree species depending on location. In Colorado, they prefer to forage on old-growth and mature trees. Fire or insect killed trees are major food sources. Forest fires and areas of insect outbreaks may lead to local increases in woodpecker numbers after 3-5 years [Bull et al 1986; Scott et al 1980].

Surveys for three-toed woodpeckers have taken place on the Ferron, Sanpete, Price and Monticello Ranger Districts. Three-toed woodpeckers are known to occur on each district.

TOWNSEND'S BIG-EARED BAT (WESTERN BIG-EARED BAT) (Plecotus townsendii):

Habitat - Townsend's or Western Big-eared bat uses a variety of scrub and forested habitats, throughout western North America. These bats use juniper/pine forests, shrub/steppe grasslands, deciduous forests and mixed

coniferous forest from sea level to 10,000 foot elevation. They utilize colonial nurseries. Cool places such as caves, rock fissures, mines, and buildings are used for roosting and hibernation. Foraging of primarily moths is often done in open woodlands, along forest edges, and over water.

The Townsend's Big-eared bat occurs throughout western North America including Utah. During the winter they roost singly or in small clusters. They remain at these sites from October to February. Migration for these bats usually means a change in location in the same cave or to another nearby cave.

The Townsend's Big-eared Bat is very sensitive to human disturbance. It will readily abandon roosts when disturbed. Activities that will or may disturb caves or mines should be evaluated to determine potential impacts to this species. Where roosts are located, cave exploration should be limited [Kunz and Martin 1982; and Utah Division of Wildlife Resources 1980].

CARRINGTON DAISY (Erigeron carringtoniae):

Habitat - Habitat of Carrington daisy include meadows and escarpment margins on Flagstaff limestone. Elevation is 9,000 to 11,000 feet. Carrington daisy is a low forb, vegetative type and is similar in appearance to E. Simplex, but differs in its pulvinate caespitose habit and thick obtuse to rounded leaves. Small isolated populations have been found mostly on Flagstaff limestone outcrops: at the head of Cove Creek; top of East Mountain; South Rim of Heliotrope Mountain; and top of Ferron Mountain within wind blown ridge tops and snow drift sites. Carrington daisy is endemic to Emery and Sanpete counties, Utah [USDA Forest Service 1991a,b; and Manti-LaSal National Forest].

HELENium HYMENOXYS (INTERMOUNTAIN BITTERWEED) (Hymenoxys helenioides):

Habitat - Helenium hymenoxys is a very widely scattered plant. It occurs mostly as an individual plant or one to five plants in a small area. Habitat range from dry meadows to wet sites in Douglas Fir, Blue Spruce, and Snowberry vegetative type. The plant occurs at elevations from 7,500 to 9000 ft. Distribution of Helenium hymenoxys includes Emery, Sanpete, Carbon, and Sevier counties, Utah.

Plants have been found from Muddy Creek (Ferron Ranger District) to Nuck Woodward Canyon in Upper Huntington Canyon (Price Ranger District). [USDA Forest Service 1991a,b; and Manti-LaSal National Forest]

V. DETERMINATION OF EFFECTS INCLUDING CUMULATIVE EFFECTS

Environmental Baseline:

Past, present, and planned human activities that may affect the seven species identified include the following projects and events.

1. Proximity of Miller's Flat Road (Forest Rd. 014) & Forest Rd 017:

Miller's Flat Road is immediately adjacent to the proposed project area. This road is a gravelled access road between Joe's Valley Reservoir and Highway 31. Forest Road 017 is situated between Miller's Flat road and the proposed project site. It runs parallel to Miller's Flat road and is mainly used as an access road to Indian Creek campground.

2. Intensive Hunting Use:

The lands surrounding the proposed project area receive intensive use during the big-game hunting season. The big-game hunting season in this area begins approximately August 17 and ends approximately November 15, although most hunters are present during the month of October for the elk and deer general seasons. Miller's Flat road and Forest road 017 provide access to hundreds of hunters each fall. The woods are combed thoroughly by people in search of deer and elk. Some camping occurs in the area but it is mostly confined to areas adjacent to the roads where RV's can park.

3. Coal Exploration/Mining:

Coal exploration drilling took place approximately three to four years ago within the proposed lease and state land areas. Genwal Coal Company currently administers a mine adjacent to the eastern boundry of the proposed lease area.

4. Water Developments/Recreation Sites:

There is a developed water trough within 1/2 a mile of the interior boundry (western edge) of the proposed lease area. This development is used by livestock within the Crandall Canyon S&G. The Indian Creek Campground is approximately 3/4 of a mile southwest of the proposed lease area. Horse Canyon Recreation Trail (a east & west directional trail) is located about 1/2 a mile to the north of proposed lease area and East Mountain Recreation Trail (a north & south directional trail) is located within the western end of proposed lease area. Most recreationists remain around the campground and trail areas and do not generally spend time in the forested zones around the proposed lease area.

5. Wildlife and Fish Inventories:

A biological survey for Northern Goshawk and Three-toed Woodpecker took place in some potential habitat stands within the general area of the proposed lease area (see map). This survey was done to identify the presence or absence of these sensitive species on the Price/Ferron Ranger Districts. No activity or presence of such species occurred within these surveyed areas. Observations took place on July 1, 1993.

Effects of the Project Proposal:

Bald Eagle:

The area is used infrequently by bald eagles (there are no records of bald eagles foraging in the area at this time). No direct or indirect effects are expected.

Northern Goshawk:

Goshawks are almost always found nesting near water. In the proposed lease area, most water sources are located on the western edge. There is potential habitat within this area for goshawk to inhabit, however the area was surveyed and no birds were observed. If mining takes place beneath these water sources and subsidence occurs, an important component of goshawk habitat may be affected.

Flammulated Owl:

If the flammulated owl is present at the proposed lease area or surrounding forested areas, the proposed project should not affect it. No direct or indirect effects from the proposed project are anticipated.

Three-toed Woodpecker:

Surveys for the Three-toed woodpecker were conducted and no birds were observed. If the Three-toed-woodpecker is present at the lease site or surrounding areas, the proposed project should not affect it. No direct or indirect effects from the proposed project are anticipated.

Townsend's Big-eared Bat:

If the Townsend's Big-eared Bat is present at the lease site or surrounding areas, the proposed project should not affect it. No direct or indirect effects from the proposed project are anticipated.

Carrington Daisy:

Carrington Daisy primarily occurs on outcrops of Flagstaff limestone. If leased land areas are mined, subsidence, due to underground mining, may affect this habitat type.

Helenium Hymenoxys:

There are no known plants that exist within the proposed lease areas. Therefore, there is no concern for activities that may impact these plants within the area.

Cumulative Effects:

As discussed in the previous section (Effects of the Project Proposal), the lease areas should not affect habitat for any listed or sensitive species.

Because of some level of human activity in and close to the project area (forest roads, hunting pressure, recreation sites), many of the sensitive species may not use the adjacent timber stands.

VI. DETERMINATION OF MAY AFFECT OR NO EFFECT

Bald Eagle:

The Crandall Canyon Tract Coal Lease will have no effect on the bald eagle population for the following reasons:

1. Bald eagles use the project area infrequently (there are no records of bald eagles foraging in the project area).
2. Bald eagles that migrate through the area do most of their foraging and resting near reservoirs. No reservoirs are located within the concerned area.

Northern Goshawk:

The Crandall Canyon Tract Coal Lease may affect the goshawk population for the following reason:

1. If the area, as delineated, is leased and eventually mined, subsidence, due to underground activity, may reduce water sources adversely impacting goshawk needs. However, no birds were observed during survey.

Flammulated Owl:

The Crandall Canyon Tract Coal Lease will not contribute to loss of viability of Flammulated Owls for the following reasons:

1. The flammulated owl may not be present in the project area. There are no records of flammulated owls occurring on the Price Ranger District at this time.
2. The lease site does not include Ponderosa Pine which is the only habitat type flammulated owls have been found in on the Forest.

Three-toed Woodpecker:

The Crandall Canyon Tract Coal Lease will not contribute to loss of viability of Northern Three-toed Woodpecker for the following reasons:

1. The three-toed woodpecker may not be present in the project area. Areas within the lease site were inventoried and no birds were found.
2. A very small amount of trees will be impacted by the proposed project. Thus, the potential for impacts is greatly reduced.

Townsend's Big-eared Bat:

The Crandall Canyon Tract Coal Lease will have no effect on the Townsend's Big-eared Bat for the following reasons:

1. Townsend's big-eared bat may not be present in the area. There are no records of this bat occurring on the Price Ranger District at this time.
2. The activity within the lease area would not impact current or potential habitat.

Carrington Daisy:

The Crandall Canyon Tract Coal Lease will have no effect on Carrington Daisy for the following reasons:

1. Proposed lease areas have been surveyed by Forest Botanist Robert Thompson. No plants have been found within this area.
2. The nearest population has been found at the head of Mill Canyon, top of East Mountain within Flagstaff limestone outcrops.

Helenium hymenoxys:

This leased area will not contribute to loss of viability of Helenium hymenoxys for the following reasons:

1. After many years of general plant inventories in the area, no Helenium hymenoxys have been found.
2. The nearest known population of Helenium hymenoxys is located in Nuckwoodward Canyon, approximately 4 miles northeast of proposed lease area.

VII. MITIGATION

If damage occurs to potential goshawk habitat due to subsurface mining, establish territories where goshawks may occur.

The Lessees, at their expense, will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses (Forest Service Stipulation # 17. Special Stipulations. Federal Regulations 43 CFR 3400).

Do not offer alternative B of the Crandall Canyon Lease by Application Environmental Analysis where chief water sources occur.

VIII. DOCUMENTATION

References used to determine the presence (or absence) of Threatened, Endangered, Proposed, and Sensitive Species as well as species and habitat information include:

A. Forest Service References:

District wildlife observation records. USDA Forest Service, Price Ranger District, Price, Utah.

Personal communications with Forest Service personnel.

USDA Forest Service. 1991. Threatened, Endangered, and Sensitive Species of the Intermountain Region. USDA Forest Service, Intermountain Region, Ogden, UT.

USDA Forest Service. 1991. Management guidelines for the northern goshawk in the Southwestern Region as published in the Federal Register, Vol. 56, Oct. 15, 1991, pp 51672-51680; USDA Forest Service, Washington, DC.

USDA Forest Service. 1991. Utah Endangered, Threatened, and Sensitive Plant Field Guide. USDA, Forest Service, Intermountain region, Ogden Utah

B. State Wildlife Agency References:

Personal communications with Bill Bates, Southeastern Regional Nongame Manager, Utah Division of Wildlife Resources, Price, UT.

Personal communications with Dennis Shirley, Central Regional Nongame Manager, Utah Division of Wildlife Resources, Springville, UT.

Utah Division of Wildlife Resources. 1990. Fauna of Southeastern Utah and Life Requisites Regarding their Ecosystems. Publication No. 90-11.

C. US Fish and Wildlife Service References:

A phone call was made to the US Fish and Wildlife Service on April 3, 1992 to confirm the list of Threatened, Endangered, and Proposed Species that was already on hand.

D. Other References:

Personal communications with Dr. Clayton White, Raptor Biologist, Brigham Young University, Provo, UT.

Bull, E.L., A.L. Wright, and M.G. Henjum 1990. Nesting habitat of flammulated owls in Oregon. J.Raptor Res. 24 (3):52-55.

Bull, E.L., S.R. Peterson, and J.W. Thomas. 1986. Resource partitioning among woodpeckers in north-eastern Oregon. Res. Note PNW-444. LeGrande, OR: U.S. Dept. of Agriculture, Forest Service, Pacific Northwest Res. Sta. 19 pp.

Johnsgard, P.A. 1988. North American ois, biology and natural history. Smith Instit. Press, Washington and London. 295 pp.

Kennedy, P.L. and D.W. Stahlecker. 1989. Preliminary Northern Goshawk Inventory. Unpublished Protocol.

Kunz, T. H. and R.A. 1982. Plecotus townsnedii. Mammalian Species No. 175. 6 pp.

Reynolds, R. T. and B.D. Linkhart. 1987. The nesting biology of flammulated owls in Colorado. Pages 239-248.

Scott, V.E., J.E. Whelan, and P.L. Soboda. 1980. Cavity nesting birds and forest management. Pages 311-324 in R.M. DeGraf, tech. coord. Proc. of workshop on management of western forests and grasslands for nongame birds. U.S. For. Serv. Gen. Tech. Rep. INT-86. Intermountain For. and Range Exp. Sta., Ogden, UT.

Stalmaster, M.V. 1987. The bald eagle, Universe Books, New York. 227 pp.

Welsh, Stanley L., N.D. Atwood, S. Goodrich, and L. C. Higgins. 1987. A Utah Flora. Great Basin Naturalist Memoirs Number 9. pp. 894.

**Appendix D - Role of Office of Surface Mining, Reclamation, and Enforcement
in the Regulation of Coal Mining**

Appendix D - Role of Office of Surface Mining Reclamation and Enforcement
in the Regulation of Coal Mining

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) gives the Office of Surface Mining Reclamation and Enforcement (OSM) primary responsibility to administer programs that regulate surface coal mining operations and the surface effects of underground coal mining operations. In January 1981, pursuant to Section 503 of SMCRA, the Utah Division of Oil, Gas, and Mining (DOGM) developed, and the Secretary of the Interior approved, a permanent program authorizing Utah DOGM to regulate surface coal mining operations and surface effects of underground mining on non-Federal lands within the State of Utah. In March 1987, pursuant to Section 523 (c) of SMCRA, Utah DOGM entered into a cooperative agreement with the Secretary of the Interior authorizing Utah DOGM to regulate surface coal mining operations and surface effects of underground mining on Federal lands within the State.

Pursuant to the cooperative agreement, Federal coal lease holders in Utah must submit permit application packages (PAP's) to OSM and Utah DOGM for proposed mining and reclamation operations on Federal lands in the State. Utah DOGM reviews the PAP to ensure that the permit application complies with the permitting requirements and that the coal mining operation will meet the performance standards of the approved permanent program. If it does comply, Utah DOGM issues the applicant a permit to conduct coal mining operations. OSM, the Bureau of Land Management (BLM), the Forest Service (FS), and other Federal agencies review the PAP to ensure that it complies with the terms of the coal lease, the Mineral Leasing Act of 1920, the National Environmental Policy Act of 1969, and other Federal laws and their attendant regulations. OSM recommends approval, approval with conditions, or disapproval of the mining plan to the Assistant Secretary--Land and Minerals Management. Before the mining plan can be approved, BLM and the surface-managing agency (in this case FS) must concur with this recommendation.

Utah DOGM enforces the performance standards and permit requirements during the mine's operation and has primary authority in environmental emergencies. OSM retains oversight responsibility for this enforcement. BLM and FS have authority in those emergency situations where Utah DOGM or OSM inspectors cannot act before significant environmental harm or damage occurs.